

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



VICTOR SANCHEZ, as Administratrix
of the Estate of Tramaine Sanchez,
a/k/a Tremaine Sanchez, Deceased,

Plaintiff,

24-CV-378 (JLS) (JJM)

v.

COUNTY OF NIAGARA, SHERIFF
MICHAEL J. FILICETTI, Niagara
County, in his individual and official
capacity as Sheriff of Niagara County,
SHERIFF DEPUTY JOHN DOE 1,
Niagara County, SHERIFF'S DEPUTY
JOHN DOE 2-5, Niagara County,
PRIMECARE MEDICAL OF NEW
YORK, INC., PRIMECARE MEDICAL,
INC.,

Defendants.

DECISION AND ORDER

Defendants PrimeCare Medical of New York, Inc., and PrimeCare Medical, Inc., removed this case, which involves claims related to the death of Tramaine Sanchez at the Niagara County Jail, from New York State Supreme Court, Niagara County. Dkt. 1; Dkt. 1-1. The PrimeCare Defendants answered the amended complaint.¹ Dkt. 7.

¹ The amended complaint was filed in Niagara County before the PrimeCare Defendants removed the case to this Court. *See* Dkt. 1-1, at 28-69.

The Niagara County Defendants moved to dismiss the amended complaint. Dkt. 8. Plaintiff responded (Dkt. 11; Dkt. 12; Dkt. 13), and the Niagara County Defendants replied (Dkt. 16). At the Court's request, the Niagara County Defendants filed supplemental briefing. Dkt. 17 (request for additional briefing); Dkt. 18 (supplemental briefing). On March 31, 2025, United States Magistrate Judge Jeremiah J. McCarthy,² issued a Report and Recommendation ("R&R"), recommending that this Court grant the Niagara County Defendants' motion to dismiss, with leave to amend. Dkt. 19.

Neither party objected to the R&R, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Though not required to do so here, this Court nevertheless reviewed Judge McCarthy's R&R. Based on that review, and absent any objections, the Court accepts the R&R.

² On May 1, 2024, this Court referred the case to Judge McCarthy for all pretrial matters, pursuant to 28 U.S.C. §§ 636(b)(1)(A)–(C). Dkt. 9.

CONCLUSION

For the reasons stated above and in the R&R, the Court grants the Niagara County Defendants' motion to dismiss (Dkt. 8) and refers the case back to Judge McCarthy for further proceedings, consistent with the referral order at Dkt. 9.

SO ORDERED.

Dated: April 15, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE